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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,162	03/09/2000	Mark Verdi	MSP-001	2423
7590	01/14/2004		EXAMINER	
Anne Vachon Dougherty 3173 Cedar Road Yorktown Heights, NY 10598				HECK, MICHAEL C
		ART UNIT		PAPER NUMBER
		3623		

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/522,162	VERDI ET AL. <i>SW</i>
	Examiner Michael Heck	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 December 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 2-10 and 12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-10, 12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The following is an Office Action in response to the amendment filed 30 December 2003. The amendment canceled claims 1 and 11, and amended claims 2-10 and 12. The applicant incorporated claims 1 and 11 into objected-to claims 6 and 12 in independent form to incorporate all the limitations of the rejected base independent claims. The dependency of each of claims 2-5 and 7-10 has been changed to now depend on claim 6. Claims 2-10 and 12 are pending in this application and have been examined on the merits as discussed below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4-6, 8-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Pat Appl. 2002/0002482) in view of Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105). Thomas discloses a computerized knowledge brokerage system comprising:

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- [Claim 6] a) establishing a predetermined group comprising more than two members (p. 2, Para 30, Thomas teaches that based on participant categories identified for a survey, participants are selected for the survey);
- b) receiving at a central location over a wide-area computer network, within a predetermined first time period, a first message from a first member of the group (p. 1, Para 14, and p. 2, Para 30 and 32, Thomas teaches a survey system coupled to a network where a survey requester places a request for a survey. The network can be a Wide Area Network.);
- c) defining a first query based on the first message (p. 2, Para 30, Thomas teaches a survey is generated when a survey requester places a request for a survey);
- d) sending the first query from the central location to at least a portion of the predetermined group (p. 2, Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants);
- e) receiving over the wide-area computer network at the central location, within a predetermined second time period, a message from a second member of the group comprising a response to the first query (p. 2, Para 30, Thomas teaches the survey participants complete the survey and have their response electronically returned);
- f) preparing an analysis at the central location related to the first query and the response to it (p. 2, Para 30, Thomas teaches survey results are determined from the response of the participants);
- g) sending the analysis over the wide-area computer network from the central location to the predetermined group (p. 1, Para 12, and p. 3, Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization.);
- i) preparing a non-group analysis related to the non-group member responses to the first query (p. 2, Para 30, Thomas teaches survey results are determined from the response of the participants); and
- j) sending the non-group analysis from the central location to at least the first member of the group (p. 1, Para 12, and p. 3, Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization.);
- [Claim 12] a) establishing a predetermined group comprising two or more members (p. 2, Para 30, Thomas teaches that based on participant categories identified for a survey, participants are selected for the survey);
- b) receiving at a central location over a wide-area computer network, within a predetermined first time period, a plurality of first messages from members of the predetermined group (p. 1, Para 14, p. 2, Para 30

and 32, and p. 3, Para 34, Thomas teaches a survey system coupled to a network where a survey requester places a request for a survey. The survey requester is the person or organization requesting a survey. The network can be a Wide Area Network. The examiner interprets the organizations to be made up of a plurality of people.);

- c) generating at least one set of queries based on at least a portion of the first messages (p. 2, Para 30, Thomas teaches a survey is generated when a survey requester places a request for a survey);
- d) sending the at least one set of queries from the central location to the predetermined group (p. 2, Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants);
- e) receiving at the central location over the wide-area computer network, within a predetermined second time period, a plurality of second messages responsive to at least a portion of the set of queries (p. 2, Para 30, Thomas teaches the survey participants complete the survey and have their response electronically returned);
- f) preparing at least one analysis based on a query in the set and any corresponding responses (p. 2, Para 30, Thomas teaches survey results are determined from the response of the participants);
- g) sending the analysis from the central location to the predetermined group (p. 1, Para 12, and p. 3, Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization.);
- i) preparing at least one non-group analysis related to non-group member responses to a query in the set of queries and any corresponding responses (p. 2, Para 30, Thomas teaches survey results are determined from the response of the participants); and
- j) sending the non-group analysis from the central location to the predetermined group (p. 1, Para 12, and p. 3, Para 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization.).

As to claims 6 and 12, respectively, Thomas fails to teach h) sending the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period, and h) sending the at least one set of queries from the central location to at least one non-group member if no messages are received within the predetermined

second time period. Ackerman et al. teach the use of an escalation agent that allows the user to decide what to do if the local group does not answer the question. Escalation allows the user to consider whether to get answers from chat systems, bulletin boards, software agents, or other people. The escalation agent would escalate the question through the predetermined order of escalation based on organizational rules that would ultimately end with the hiring of an outside consultant if the need is great enough. In this manner, the user is assured of receiving a usable answer (p. 101, Col. 2, Para 2 through to p. 102, Col. 1, Para 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Thomas with the teachings of Ackerman et al. since Ackerman et al. teach that it is old and well known in a computer-supported cooperative work system to use collaborative help systems to first provide help from other people or group members before escalating the question past the local group to an outside source. Time is money and can dictate whether a company is successful or not. Getting answers to time sensitive question allows companies to be better positioned for success. The system of Thomas shows the speed or turnaround time for surveys is substantially improved (Thomas: p. 6, Para 76). Ackerman et al. system helps reduce cost and the effort to answering questions (p. 104, Col. 2, Para 2). Therefore, incorporating the escalation features of Ackerman et al. saves both time and money.

- [Claim 2] sending the analysis only to said first member and those members of the predetermined group that responded to the first query (Thomas: p. 1, Para 12 and 34, Thomas teaches that optionally, the results are electronically distributed to a survey requestor. The survey requester can be a person or organization. Participants can be members of the organization requesting the survey.).
- [Claim 4] sending the first query to the predetermined group (Thomas: p. 2, Para 30, Thomas teaches the survey is electronically transmitted to the selected survey participants.).

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- [Claim 5] storing the first analysis in the central location such that it is accessible to members of the predetermined group (Thomas: p. 1, Para 14, p. 3, Para 37 and 38, and p. 4, Para 53, Thomas teaches a survey/response database for storing responses to the active survey. The database is coupled to the survey manager via a communication link where the survey manager interfaces with the network, selects a group of participants, and takes the survey results and forwards them to the survey requester. The survey archive database stores survey responses for possible future uses. A database including the survey results is e-mailed to the survey requester who then can produce a customized survey report or otherwise make use of the data.).
- [Claim 8] the identity of the first member is kept anonymous (Ackerman et al.: p. 100, Col. 2, Para 1, Ackerman et al. teach users of the system can send their questions anonymously).
- [Claim 9] the identity of the second member is kept anonymous (Ackerman et al.: p. 100, Col. 2, Para 1, Ackerman et al. teach the experts answering the question can also be anonymous).
- [Claim 10] the identities of the members of the predetermined group are kept anonymous (Ackerman et al.: p. 102, Col. 2, Para 2, Ackerman et al. teach the anonymity service allows users to ask question anonymously. Organizations or communities might not want this service, in which case the service is merely omitted. Implicitly the entire community can be anonymous, therefore the members of the predetermined group.).

4. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Pat Appl. 2002/0002482) and Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105) in view of Liff (Liff, A., Fostering Online Collaboration and Community, Association Management, Washington, Vol. 50, issue 9, Sep. 1998, Pages 33-38 [PROQUEST]). Thomas and Ackerman et al. discloses a computerized knowledge brokerage system, but fails to teach that members are required to respond to queries. Liff teaches that the community requires participants to interact or be asked not to renew their subscription (Liff: p. 38, Col. 1, Para 3). Liff teaches that it is old and well

known in the online collaboration art to require participants to interact. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Thomas with the teachings of Liff to require participants to interact. The purpose of soliciting an input from a participant is to gain knowledge from the group as a whole. Thomas discloses a system that is more effective, less cumbersome, and faster than conventional processes making the participant more willing to participate (Thomas: p. 1, Para 10). Liff discloses interactive communities where people have an ongoing relationship based on a topic and are linked electronically. Knowledge management, which is shaping how businesses and organizations will create value in the future, is emerging as a way to manage the intellectual capital of an organization. The "knowledge network" will accelerate the spread of best practices and best-known methodologies throughout the membership (Liff: p. 33, Para 1, p. 34, Col. 2, Para 3 through to Col. 4, Para 1, and p. 38, Col. 3, Para 3-4). To facilitate knowledge growth within an organization or group, incorporating Liff's requirement for participants to interact would accelerate the process to create new knowledge, therefore, impacting the companies' bottom line.

5. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Pat Appl. 2002/0002482) and Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105), as applied to claim 6. Claim 3 recites submitting the first query to the first member for approval before sending the first query to the portion of the group. Thomas and Ackerman et al. fail to teach receiving approval prior to sending a query to the group. The examiner takes official notice that it is old and well

known in the surveying art to have the requester of the survey review the survey details before authorizing it to be distributed to a predefined group. For example, it is common to have a marketing research consulting company generate a survey then review the survey with their client to ensure the survey collects the information that meets the goal of the business requesting the information. In addition, some electronic survey companies have the survey requestor interactively involved in the process of creating the survey, which means the requester is reviewing the survey at the same time it is being generated. In this manner time and resources are reduced and the objectives would be quickly met. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the approval process to ensure the query meets the objectives of the requestor of the information.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Marty (Marty, Museum Informatics and Collaborative Technologies: The Emerging Socio-Technological Dimension of Information Science in Museum Environments, Journal of the American Society for Information Science and Technology, Oct 1999, start p. 1083 [PROQUEST]) discloses museum management technology systems that will provide mechanisms that enable museum staff members to collaborate simultaneously with their supervisors, other staff members, and external experts, solving problems as they occur.

- Huang (Huang, Capitalizing on Intellectual Assets, IBM Systems Journal, 1998, p. 570-583 [PROQUEST]) discloses the ICM AssetWeb system that provides the infrastructure for IBM's knowledge and asset management solutions. This strategic knowledge and asset management collaboration system is used by IBM groups to "team, execute, and win" customer engagements by creating, sharing, and reusing intellectual capital. A Competency network is a community of subject knowledge experts within the company that represents a core competency and supports advanced features such as structured collaboration, forums, group configuration, different levels of security control, re-configurable categories and sub categories, and a document repository.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "Box AF"]

**(703) 746-9419** [Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7<sup>th</sup> floor receptionist.

mch  
7 January 2004



**TARIQ R. HAFIZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**